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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/602,525	06/13/2000	W. R. Hugh Fife	GECAN 3194	8521
7590	05/14/2004		EXAMINER	
John S Beulick Armstrong Teasdale LLP Suite-2600 One Metropolitan Square St Louis, MO 63102			GONZALEZ, JULIO C	
			ART UNIT	PAPER NUMBER
			2834	
DATE MAILED: 05/14/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/602,525

Applicant(s)

FIFE, W. R. HUGH

Examiner

Julio C. Gonzalez

Art Unit

2834

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 17 February 2004.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-9, 11-22 and 24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9, 11-22 and 24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-4, 9, 11, 14-17, 19 and 22 are rejected under 35 U.S.C. 102(b) as being anticipated by Dochterman (US 4,186,319).

Dochterman discloses an assembly for a dynamoelectric machine having a first end plate, a second end plate, a base plate 30, a support member 35 and a support plate 38 extending from the base plate 30 (see attached paper of patent 4,186,319 showing figure 2 with labels of parts for better understanding).

### *Claim Rejections - 35 USC § 103*

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 5, 6, 8, 12, 13, 18, 21 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dochterman in view of Periyathamby et al.

~~Dochterman discloses an assembly for a dynamoelectric machine having a~~  
first end plate, a second end plate, a base plate 30, a support member 35 and a support plate 38 extending from the base plate 30 (see attached figure 2 with labels of parts for better understanding).

However, Dochterman does not disclose explicitly that an intermediate region may be an arc segment.

~~On the other hand, Periyathamby et al discloses for the purpose of~~  
effectively minimizing vibration of parts and reducing noise that intermediate regions in electrical machines may be an arc segment (see figure 14).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to design an bracket system as disclosed by Dochterman and to modify the invention by disclosing arc segments for the purpose of effectively minimizing vibration of parts and reducing noise as disclosed by Periyathamby et al.

5. Claims 7 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dochterman and Periyathamby et al as applied to claims 6 and 18 above, and further in view of Booth.

The combined bracket assembly discloses all of the elements above. However, the combined bracket assembly does not disclose explicitly that an intermediate end extend radially from a support member.

On the other hand, Booth et al discloses for the purpose of balancing the dynamic forces generated by a load, an intermediate end 106 that extend radially from a support member 108 (see figures 5, 6).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to design the combined bracket assembly as disclosed above and to modify the invention by placing an intermediate end radially to a support member for the purpose of balancing the dynamic forces generated by a load as disclosed by Booth et al.

### ***Response to Arguments***

6. Applicant's arguments filed 02/17/04 have been fully considered but they are not persuasive.

Dochterman discloses, as claimed, a base plate 30, a support member extending from first and second end plates (both side plates as shown in figure 2) and a support plate extending from one of the first and second end plates. Moreover, as seeing from figure 4, the support plate and support member form an enclosure. Such plates are disclose/shown as integral parts.

Respectfully, the claims are not specific enough to differentiate between the present invention and the prior art since the claims are to be interpreted in the broadest possible manner.

7. In response to applicant's arguments, the recitation a bracket assembly for a dynamoelectric machine has not been given patentable weight because the recitation occurs in the preamble. A preamble is generally not accorded any patentable weight where it merely recites the purpose of a process or the intended use of a structure, and where the body of the claim does not depend on the preamble for completeness but, instead, the process steps or structural limitations are able to stand alone. See *In re Hirao*, 535 F.2d 67, 190 USPQ 15 (CCPA 1976) and *Kropa v. Robie*, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951).

8. In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

9. In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, the references used are related to electrical machines and more in particulars to designs showing multiple support assemblies.

***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension

~~of time-policy-as set-forth-in-37-CFR-1.136(a).~~

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

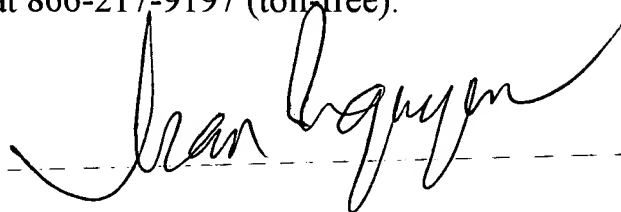
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Julio C. Gonzalez whose telephone number is 571-272-2024. The examiner can normally be reached on M-F (8AM-5PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Darren Schuberg can be reached on 571-272-2044. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.



Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read "Tran Nguyen", is written over a horizontal dashed line.

Jcg

TRAN NGUYEN  
PRIMARY EXAMINER

May 7, 2004